

1999 DRAFTING REQUEST

Assembly Amendment (AA-AB133)

Received: 04/23/99

Received By: rmarchan

Wanted: Soon

Identical to LRB:

For: Legislative Fiscal Bureau 6-3847

By/Representing: Russell

This file may be shown to any legislator: NO

Drafter: rmarchan

May Contact:

Alt. Drafters:

Subject: Fin. Inst. - UCC
Fin. Inst. - miscellaneous
Fin. Inst. - liens

Extra Copies:

Pre Topic:

LFB:.....Russell -

Topic:

UCC lien system

Instructions:

See Attached. Allow person to search UCC lien system free of charge at county register of deeds office; require DFI to provide county register of deeds with hard copy of UCC lien data upon request; require DFI to keep all records available for public use as current as practicable.

Drafting History:

Table with 8 columns: Vers., Drafted, Reviewed, Typed, Proofed, Submitted, Jacketed, Required. It contains 4 rows of drafting history data.

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typist</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
	05/14/99	05/14/99	05/12/99	_____	05/12/99		
/4			martykr 05/17/99	_____ _____	lrb_docadmin 05/17/99		

FE Sent For:

<END>

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/?	rmarchan 04/30/99	gilfokm 05/5/99		_____			
/1	rmarchan 05/6/99	gilfokm 05/6/99	jfrantze 05/6/99	_____	lrb_docadmin 05/6/99		
/2	rmarchan 05/12/99	gilfokm 05/12/99	martykr 05/7/99	_____	lrb_docadmin 05/7/99		
/3		14-5-14-99 kmg	jfrantze 5/17	_____	lrb_docadmin		

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/2		3-5-12-99 Kmg	martykr 05/7/99	_____	lrb_docadmin 05/7/99		
			5/12	5/12			

5/7/99 12:42:54 PM

Page 2

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/1		12-5-6-99 kmq	jfrantze 05/6/99	_____	lrb_docadmin 05/6/99		

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1?	rmarchan	1-5-5-99 king	J 5/6 JM 5/7	J/RH 5/6			

FE Sent For:

<END>

Legislative Fiscal Bureau

One East Main, Suite 301 • Madison, WI 53703 • (608) 266-3847 • Fax: (608) 267-6873

Date: April 22, 1999

DELIVER TO: Rob Marchant

Addressee Fax #: 264-8522

Addressee Phone #: 261-4454

of Pages, Including Cover: 2

Sender's Initials: FR

From: Faith Russell, Fiscal Analyst

The Joint Finance Committee made several decisions related to the Department of Financial Institutions which require drafts. Here's what I need:

- 1. Language for the attached motion that the Committee passed. It is intended that "hard copy" includes print, micro-fiche, micro-film and anything other than electronic format.**
- 2. Alternative 4 on paper #446.**
- 3. Alternative 1 on paper #447.**

Please let me know if you have any questions or need anything else. Thanks --

Faith

FINANCIAL INSTITUTIONS

Uniform Commercial Code Record Search

Motion:

Move to specify in the statutes that an individual may go to a county Register of Deeds office and search the records of the UCC Lien System free of charge. Require each Register of Deeds office to provide either a hard copy of such records or a computer terminal that would be available for an individual to use to perform a records search of the UCC Lien System. Require that the Department of Financial Institutions, at the request of a Register of Deeds office, provide the hard copy of the UCC Lien System data. Require the Department to keep all records that would be made available for public use as current as practicable.

Note:

This motion would require a Register of Deeds office to allow an individual to come into the office and search the UCC Lien System free of charge. However, a record search performed by a Register of Deeds office or by the Department of Financial Institutions at the request of an individual would continue to be subject to a \$10 fee per debtor name, as specified under current law.

Motion #180

Marchant, Robert

From: Russell, Faith
Sent: Tuesday, April 27, 1999 9:52 AM
To: Marchant, Robert
Subject: Albers Motion - DFI

Hi Rob -

As we discussed, the purpose of Representative Albers' motion was to make sure that the status quo is maintained with respect to UCC filing information available to the public at no charge. DFI currently provides microfilm data of statewide records which include the following: debtors name and address, secured party's name and address, type of filing, filing number, date and time. As we discussed, if the language could clarify that these are the items that have to be available, it seems that the status quo would be maintained.

My team leader suggest that the "type of filing" and "filing number" may have to be clarified further so that a lay person would understand what these mean. If you need my help with any of this, please let me know. Thanks -

Faith Russell
Fiscal Analyst, Legislative Fiscal Bureau
faith.russell@legis.state.wi.us
Phone: 608-266-3847



State of Wisconsin
1999 - 2000 LEGISLATURE

1
LRBb0183

RJM: KING

SOON

PMNR
DNOTE

LFB:.....Russell - UCC lien system

FOR 1999-01 BUDGET - NOT READY FOR INTRODUCTION

LFB AMENDMENT

TO 1999 ASSEMBLY BILL 133 AND 1999 SENATE BILL 45

273

1 At the locations indicated, amend the bill as follows:

2 ✓ 1. Page 1102, line 13: delete "The" and substitute "(a) Except as provided
3 ~~under~~ in par. (b), the".

4 ✓ 2. Page 1102, line 15: after that line insert:

5 "(b) The department may not charge a fee under par. (a) to a person who
6 accesses or uses a department ~~database~~ database or computer system under s. 409.407 (2m)
7 (b).".

8 3. Page 1253, line 11: after that line insert:

9 "SECTION 2822d. 409.407 (2m) of the statutes is created to read:

10 409.407 (2m) EXAMINATION OF INFORMATION AT AN OFFICE OF THE REGISTER OF
11 DEEDS. (a) Upon request of any person at an office of the register of deeds in this state,

Handwritten initials/signature

all of

1 the office of the register of deeds shall allow the person to examine the following ~~to~~

2 *free of*
~~no~~ charge:

3 1. All financing statements, amendments, termination statements,
4 continuation statements, statements of assignment and statements of release that
5 are filed under ss. 409.401 to 409.408 with the filing officer.

contained in microfilm or other photographic copies

6 2. All information provided by the department to the office of the register of
7 deeds under s. 409.410 (3) (b) and (c).

8 (b) An office of the register of deeds that does not request information from the
9 department under s. 409.410 (3) (b) or (c) shall provide at least one computer
10 terminal for any person at the office of the register of deeds to use to examine ~~the~~ *free of charge* current

11 information under s. 409.410 (3) (b) 1. to 5. for each financing statement,
12 amendment, termination statement, continuation statement, statement of
13 assignment and statement of release about which information is stored in the

14 uniform commercial code statewide lien system established under s. 409.410 *(1), (2) and (3)(a)*

subject

15 SECTION 2822h. 409.410 (3) of the statutes is renumbered 409.410 (3) (a).

16 SECTION 2822j. 409.410 (3) (b) of the statutes is created to read:

17 409.410 (3) (b) Upon request of an office of the register of deeds in this state,
18 the department shall provide the office of the register of deeds with a microfilm or
19 other photographic copy of the following *information* for each financing statement, amendment,
20 termination statement, ~~continuation~~ *statement* statement of assignment and
21 statement of release about which information is stored in the uniform commercial
22 code statewide lien system under this section:

- 23 1. The type of statement or amendment.
- 24 2. The date and time of filing of the statement or amendment.
- 25 3. The file number of the statement or amendment.

1 4. The debtor's name and address.

2 5. The secured party's name and address.

3 SECTION 2822^E. 409.410 (3) (c) of the statutes is created to read:

4 409.410 (3) (c) The department shall provide the information under par. (b) to

5 an office of the register of deeds ^{Free of} ~~at no~~ charge. The department shall provide an office

6 of the register of deeds that receives information under par. (b) [✓] with a microfilm or

7 other photographic copy of current information satisfying the requirements under

8 par. (b) as often as is practicable, unless the office of the register of deeds provides

9 computerized access to the information under s. 409.407 (2m) (b) [✓] and requests that

10 the department not provide the ^{Current} ~~additional~~ microfilm or other photographic copy.”

11

(END)

me

2822f. INSERT 2-14 ✓

Section # 409.410 (title) AM;

(B)

[BOLD]

Statewide lien system, creation; distribution of information.

(B) 409.410 (title)

~~Pass~~
w/ state.

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRBb0183/2013

RJM:k:...

Idn
kmq

Attached is the amendment ^{that} you requested regarding free UCC searches at register of deeds offices. Please review the amendment to ensure that it accomplishes the intent ~~of the committee's motion~~ ^{of the committee's motion} ✓ (S)

I do not know if DFI currently charges for an in-person examination of filings stored at DFI. If not, you may want me to address that issue in this amendment, in order to ensure that the status quo remains. However, because the committee's motion is directed at UCC searches at register of deeds offices I did not deal with this issue in this draft. ✓ (S)

If you have any questions or suggested changes, please let me know.

Robert J. Marchant
Legislative Attorney
Phone: (608) 261-4454
E-mail: Robert.Marchant@legis.state.wi.us

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRBb0183/1dn
RJM:kmg:jf

May 6, 1999

Attached is the amendment that you requested regarding free UCC searches at registers of deeds offices. Please review the amendment to ensure that it accomplishes the committee's intent.

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State of Wisconsin
1999 - 2000 LEGISLATURE

LRBb018302
RJM:king:jf

SOON

RMUR

NOTE

LFB:.....Russell - UCC lien system

FOR 1999-01 BUDGET - NOT READY FOR INTRODUCTION

LFB AMENDMENT

TO 1999 ASSEMBLY BILL 133 AND 1999 SENATE BILL 45

1 At the locations indicated, amend the bill as follows:

2 1. Page 1102, line 13: delete "The" and substitute "(a) Except as provided in
3 par. (b), the".

4 2. Page 1102, line 15: after that line insert:

5 "(b) The department may not charge a fee under par. (a) to a person who
6 accesses or uses a department data base or computer system under s. 409.407 (2m)
7 (b).".

8 3. Page 1253, line 11: after that line insert:

9 "SECTION 2822d. 409.407 (2m) of the statutes is created to read:

10 409.407 (2m) EXAMINATION OF INFORMATION AT AN OFFICE OF THE REGISTER OF
11 DEEDS. (a) Upon request of any person at an office of the register of deeds in this state,

1 the office of the register of deeds shall allow the person to examine all of the following
2 free of charge:

3 1. Financing statements, amendments, termination statements, continuation
4 statements, statements of assignment and statements of release that are filed under
5 ss. 409.401 to 409.408 with the filing officer.

6 2. Information contained in microfilms or other photographic copies provided
7 by the department to the office of the register of deeds under s. 409.410 (3) (b) and
8 (c).

9 (b) An office of the register of deeds that does not request information from the
10 department under s. 409.410 (3) (b) or (c) shall provide at least one computer
11 terminal for any person at the office of the register of deeds to use free of charge to
12 examine current information under s. 409.410 (3) (b) 1. to 5. for each financing
13 statement, amendment, termination statement, continuation statement, statement
14 of assignment and statement of release about which information is stored in the
15 uniform commercial code statewide lien system established under s. 409.410 (1), (2)
16 and (3) (a).

17 **SECTION 2822f.** 409.410 (title) of the statutes is amended to read:

18 **409.410 (title) Statewide lien system; creation; distribution of**
19 **information.**

20 **SECTION 2822h.** 409.410 (3) of the statutes is renumbered 409.410 (3) (a).

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- 5 3. The file number of the statement or amendment.
- 6 4. The debtor's name and address.
- 7 5. The secured party's name and address.

8 **SECTION 2822L.** 409.410 (3) (c) of the statutes is created to read:

9 409.410 (3) (c) The department shall provide the information under par. (b) to
10 an office of the register of deeds free of charge. The department shall provide an office
11 of the register of deeds that receives information under par. (b) with a microfilm or
12 other photographic copy of current information satisfying the requirements under
13 par. (b) as often as is practicable, ~~unless the office of the register of deeds provides~~

14 ~~computerized access to the information under 409.407 (2m) and suggests that~~
15 ~~the department not provide the current microfilm or other photographic copy~~

16

(END)

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRBb0183/2dn

RJM:.....
thmf

Faith Russell:

Attached is the redraft of the amendment *that* you requested. Please feel free to contact me if you have any questions or if the amendment requires additional changes. Thanks.

Robert J. Marchant
Legislative Attorney
Phone: (608) 261-4454
E-mail: Robert.Marchant@legis.state.wi.us

**DRAFTER'S NOTE
FROM THE
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LRBb0183/2dn
RJM:kmg:km

May 7, 1999

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State of Wisconsin
1999 - 2000 LEGISLATURE

3
LRBb0183/0
RJM(kmg/km)
STZ

SOON

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FOR 1999-01 BUDGET — NOT READY FOR INTRODUCTION

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DROBE

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1 the office of the register of deeds shall allow the person to examine all of the following
2 free of charge:

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5 ss. 409.401 to 409.408 with ~~the filing office~~ ^{that office of the register of deeds}.

6 2. Information contained in microfilms or other photographic copies provided
7 by the department to ^{that} ~~the~~ office of the register of deeds under s. 409.410 (3) (b) and
8 (c).

9 (b) An office of the register of deeds that does not request information from the
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22 409.410 (3) (b) Upon request of an office of the register of deeds in this state,
23 the department shall provide the office of the register of deeds with a microfilm or
24 other photographic copy of ^{a list containing} all of the following information for ^{every} ~~each~~ financing
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12 other photographic copy of current information satisfying the requirements under
13 par. (b) as often as is practicable.”

14 (END)

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

3dn
LRBb0183/002

RJM:kmgrkm

Stat

May 7, 1999

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LRBb0183/3dn
RJM:kmg:jf

May 12, 1999

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State of Wisconsin
1999 - 2000 LEGISLATURE

4
LRBb0183/2
RJM:kmg:jf

seen

NOTE
RMNR

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8 **SECTION 2822L.** 409.410 (3) (c) of the statutes is created to read:

9 409.410 (3) (c) The department shall provide the ^{copy}~~information~~ under par. (b) to
10 an office of the register of deeds free of charge. The department shall provide an office
11 of the register of deeds that receives ^{a copy}~~information~~ under par. (b) with a ~~copy~~
12 ~~the previous~~ copy of current information satisfying the requirements under
13 par. (b) as often as is practicable.”

14

(END)

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRBb01837 4dn

RJM

May 12, 1999

stat

Faith Russell:

Attached is the redraft of the amendment that you requested. Please feel free to contact me if you have any questions or if the amendment requires additional changes. Thanks.

Robert J. Marchant
Legislative Attorney
Phone: (608) 261-4454
E-mail: Robert.Marchant@legis.state.wi.us

Please note the changes on page 1, line 6 (at an office of the register of deeds), page 2, line 10 ("make available") and page 3, lines 9 and 11. (deleted "microfilm or other photographic") and page 3, lines 9 and 11 ("copy") and ~~page 3, line 12~~ (deleted "microfilm or other photographic").

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRBb0183/4dn
RJM:kmg:km

May 17, 1999

Faith Russell:

Attached is the redraft of the amendment that you requested. Please note the changes on page 1, line 6 (" at an office of the register of deeds"); page 2, line 10 ("make available") and lines 23 and 24 (deleted "microfilm or other photographic"); and page 3, lines 9 and 11 ("copy") and line 12 (deleted "microfilm or other photographic"). Please feel free to contact me if you have any questions or if the amendment requires additional changes. Thanks.

Robert J. Marchant
Legislative Attorney
Phone: (608) 261-4454
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State of Wisconsin
1999 - 2000 LEGISLATURE

LRBb0183/4
RJM:kmg:km

LFB:.....Russell - UCC lien system

FOR 1999-01 BUDGET — NOT READY FOR INTRODUCTION

LFB AMENDMENT

TO 1999 ASSEMBLY BILL 133 AND 1999 SENATE BILL 45

1 At the locations indicated, amend the bill as follows:

2 **1.** Page 1102, line 13: delete "The" and substitute "(a) Except as provided in
3 par. (b), the".

4 **2.** Page 1102, line 15: after that line insert:

5 "(b) The department may not charge a fee under par. (a) to a person who
6 accesses or uses a department data base or computer system at an office of the
7 register of deeds under s. 409.407 (2m) (b).".

8 **3.** Page 1253, line 11: after that line insert:

9 "SECTION 2822d. 409.407 (2m) of the statutes is created to read:

10 409.407 (2m) EXAMINATION OF INFORMATION AT AN OFFICE OF THE REGISTER OF
11 DEEDS. (a) Upon request of any person at an office of the register of deeds, the office

1 of the register of deeds shall allow the person to examine all of the following free of
2 charge:

3 1. Financing statements, amendments, termination statements, continuation
4 statements, statements of assignment and statements of release that are filed under
5 ss. 409.401 to 409.408 with that office of the register of deeds.

6 2. Information contained in microfilms or other photographic copies provided
7 by the department to that office of the register of deeds under s. 409.410 (3) (b) and
8 (c).

9 (b) An office of the register of deeds that does not request information from the
10 department under s. 409.410 (3) (b) shall make available at least one computer
11 terminal for any person at the office of the register of deeds to use free of charge to
12 examine current information under s. 409.410 (3) (b) 1. to 5. for each financing
13 statement, amendment, termination statement, continuation statement, statement
14 of assignment and statement of release about which information is stored in the
15 uniform commercial code statewide lien system established under s. 409.410 (1), (2)
16 and (3) (a).

17 **SECTION 2822f.** 409.410 (title) of the statutes is amended to read:

18 **409.410** (title) **Statewide lien system; creation; distribution of**
19 **information.**

20 **SECTION 2822h.** 409.410 (3) of the statutes is renumbered 409.410 (3) (a).

21 **SECTION 2822j.** 409.410 (3) (b) of the statutes is created to read:

22 409.410 (3) (b) Upon request of an office of the register of deeds in this state,
23 the department shall provide the office of the register of deeds with a copy of a list
24 containing all of the following information for every financing statement,
25 amendment, termination statement, continuation statement, statement of

1 assignment and statement of release about which information is stored in the
2 uniform commercial code statewide lien system under this section:

- 3 1. The type of statement or amendment.
- 4 2. The date and time of filing of the statement or amendment.
- 5 3. The file number of the statement or amendment.
- 6 4. The debtor's name and address.
- 7 5. The secured party's name and address.

8 **SECTION 2822L.** 409.410 (3) (c) of the statutes is created to read:

9 409.410 (3) (c) The department shall provide the copy under par. (b) to an office
10 of the register of deeds free of charge. The department shall provide an office of the
11 register of deeds that receives a copy under par. (b) with a copy of current information
12 satisfying the requirements under par. (b) as often as is practicable.”

13 (END)